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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re: Application of) Art Unit:
GEORGE KRIKORIAN, et al)
Serial No.: 10/042,740) Examiner:
Filed: March 1, 2001)
For: MULTIPLE STAGE THEATER)
)

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NOV 14 2002

OFFICE OF PETITIONS

11 Assistant Commissioner For Patents

12 Washington, DC, 20231

13 Sir

14 **RESPONSE TO OFFICE OF PETITIONS ACTION**

15 The following is a response to an official action of the
16 Office of Petitions mailed September 10, 2002.

17 Enclosed please find the following:

18 Copy of Decision on Petitions 37 CFR § 1.182 and 1.47 &
19 Notice To File Missing Parts-Filing Date Granted which granted
20 Rule 1.47(a) status to the above entitled application and
21 Declaration of Inventorship for this application. Also enclosed
22 is the late oath or declaration surcharge of \$65 for a small
23 entity.

24 **REMARKS**

25 The examiner in the Office Of Petitions has granted Rule
26 1.47(a) status to this application and has ruled that the prior
27 application is converted to this continuing application and has
28 required that a new oath or declaration be filed for this present

1 application for the application to be complete. The examiner also
2 requires that a late oath or declaration filing fee be paid. The
3 examiner stated that this response must be timely filed by
4 November 10, 2002.

5 All of the requirements for the filing of the new continuing
6 application have been met by this response. The enclosed
7 decision of the Office Of Petitions grants Rule 1.47(a) status to
8 the present application. Therefore the oath or declaration need
9 not be signed by all of the named inventors. The new declaration
10 is attached hereto in compliance with the decision. Also
11 enclosed is a check in payment of the late oath or declaration
12 surcharge of \$65 as required by the examiner.

13 CONCLUSION

14 At this time all of the requirements for the continued
15 prosecution of this application of the examiner have been met and
16 for all of the reasons set forth above it is requested that the
17 continuing application be sent to the examiner for further
18 prosecution.

19 Respectfully submitted.

20
21 DATED: NOV 06 2002


Nathan Boatner, Attorney
Reg. No. 32856
PMB 692, 7095 Hollywood Blvd
Los Angeles, CA, 90028
213-840-8286

22 CERTIFICATE OF MAILING

23 I, Nathan Boatner, attorney, hereby certify that the
24 foregoing

25 RESPONSE TO OFFICE OF PETITIONS ACTION

26 was deposited in the United States Post Office at Mira Loma,

1 California with first class postage prepaid on this day addressed
2 as follows:

3 Commissioner of Patents
4 Washington DC 20231-0001

5 DATED: NOV 06 2002


Nathan Boatner, Attorney
Reg. No. 32856

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov



Paper No. 17

Nathan Boatner
PMB 692
7095 Hollywood Boulevard
Los Angeles, California 90028

In re Application of :
George KRIKORIAN et al. :
Application No. 09/490,948 :
Filed: January 24, 2000 :
Attorney Docket No. 50064 :

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SEP 10 2002

OFFICE OF PETITIONS

AND

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NOV 20 2002

GROUP 3600

In re Application of :
George KRIKORIAN et al. :
Application No. 10/042,740 :
Filed: March 1, 2001 :
Attorney Docket No. 50064 :

DECISION ON PETITIONS
37 CFR §§1.182 and 1.47
& NOTICE TO FILE
MISSING PARTS -
FILING DATE GRANTED

This is a decision on the petition filed under 37 CFR 1.182 on January 16, 2002 in application serial number 09/490,948, to convert an improper Continued Prosecution Application to a continuing application filed under 37 CFR 1.53(b) having a filing date of March 1, 2001. This is also a decision on the petition under 37 CFR 1.47 filed January 16, 2002.

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OFFICE OF PETITIONS

The petition under 37 CFR 1.182 is granted.

The petition under 37 CFR 1.47 is granted.

Petitioner is given TWO MONTHS from the date of this decision within which to file a newly executed oath specifically referencing application serial number 10/042,740 and the late oath or declaration surcharge of \$130, as set forth in 37 CFR 1.16(e), in order to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

Application Serial Number 09/490,948 is not a complete application within the meaning of 37 CFR 1.51(b) because the oath or declaration lacks the signature of a named inventor and because the application lacks status under 37 CFR 1.47. Therefore, the request for Continued Prosecution Application (CPA) under 37 CFR 1.53(d)(1)(I)(A) is improper inasmuch as the CPA request requires, *inter alia*, that the prior non-provisional application be complete within the meaning of 37 CFR 1.51(b).

Therefore, the true copy of the '948 application which accompanies the instant petition has been converted to continuing application serial number 10/042,740 filed under 37 CFR 1.53(b) having a filing date of March 1, 2002, that is, the day the CPA request intended for the '948 application was received in the Office. The CPA papers have been removed from the '948 application file and placed in the '740 application, however they will remain unprocessed.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the exhibits submitted with the declaration of Mr. Nathan Boatner accompanying the instant petition. Notice of the filing of this application will

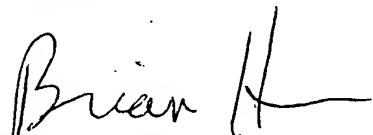
also be published in the Official Gazette.

Petitioner is advised that the oath filed with the instant petition listing ONLY Messrs. Krikorian and Zeitlian as co-inventors cannot be accepted as part of continuing application 10/042,740. The oath makes reference to, and therefore executes, the specification of parent application 09/490,948. Thus, while the continuing application has been accorded a filing date, it is still regarded as incomplete as lacking a proper oath complying with 37 CFR 1.63.

The '948 application file will be forwarded to the Office Initial Patent Examination where it will be processed as an abandoned, incomplete application. All further correspondence should be directed to application serial number 10/042,740.

Continuing application 10/042,740 will be forwarded to the Office Initial Patent Examination where it will be processed as a new, continuing application having Rule 1.47 status. ***Petitioner is reminded that all further correspondence should be directed to application serial number 10/042,740.***

Telephone inquiries related to this decision should be directed to B. Dayoan at (703) 308-3865 or, in her absence, to the undersigned at (703) 305-1820.



Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



2 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re: Application of
5 GEORGE KRIKORIAN, et al

) Art Unit:

) Examiner:

6 Serial No.: 10/042,740

7 Filed: March 1, 2001

8 For: MULTIPLE STAGE THEATER

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10 Commissioner Of Patents And Trademarks

11 Washington, DC, 20231

12 DECLARATION FOR UTILITY PATENT APPLICATION

13

AND POWER OF ATTORNEY

14

Sir:

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DECLARATION

16

As a below-named inventor, I hereby declare that my residence, post office address, and citizenship are as stated below next to my name and that I believe that we are the original, first, and sole inventors of the subject matter which is claimed and for which a patent is sought on the invention, the specification of which is attached hereto and which has the following title:

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MULTIPLE STAGE THEATER

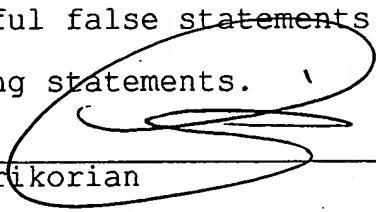
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I have reviewed and understand the contents of the above-identified specification, including the claims. I acknowledge a duty to disclose information which is material to the examination of this application in accordance with Title 37, Code Of Federal

1 Regulations, Section 1.56(a)

2 I hereby declare that all statements made herein of my own
3 knowledge are true and that all statements made on information
4 and belief are believed to be true; and further that these
5 statements were made with the knowledge that willful false
6 statements and the like so made are punishable by fine or
7 imprisonment, or both, under section 1001 of Title 18 of the
8 United States Code, and that such willful false statements may
9 jeopardize the validity of the foregoing statements.

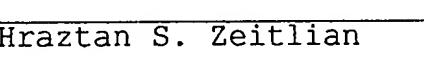
10 DATED NOV 06 2002


George Krikorian

11 Residence & Citizenship: Redondo Beach, California, 90277
12 Citizen of USA

13 Post Office Address: 131 Palos Verdes Boulevard
14 Redondo Beach, CA, 90277

14 DATED


Hraztan S. Zeitlian

16 Residence & Citizenship: Los Angeles, California, 90066
17 Citizen of USA

18 Post Office Address: 3460 Centinella Ave, Unit 201
19 Los Angeles, CA, 90066

POWER OF ATTORNEY

20 As named inventor, I hereby appoint the following attorney
21 to prosecute this application and transact all business in the
22 Patent and Trademark Office connected therewith:

23 Nathan Boatner
24 Registration No 32856

25 Please Address All Communications To:

26 Nathan Boatner, Attorney
27 PMB 692, 7095 Hollywood Blvd,
28 Los Angeles, CA, 90028
 (213) 840-8286

1 Respectfully Submitted.

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3 DATED: NOV 06 2002

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5 DATED:

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George Krikorian

Hraztan S. Zeitlian



MEMORANDUM

Date: November 6, 2002

From: Nathan

To: Mr K

Subject: Enclosed response for the new application

THIS IS A CONFIDENTIAL ATTORNEY CLIENT COMMUNICATION

TO MR K:

Thank for for sending me the signed new oath of inventorship in your patent application. Apparently all of the requirements for the continuing application have now been satisfied and the application will be processed by the applicable patent examiner. All I can say is that this situation is extremely complex and the rules have recently changed. However, it now seems that you have overcome the betrayals of two of the original inventors or named inventors for the theater and now it is finally possible to proceed without any more need for either of them to co-operate with you and honor their agreements to co-operate with you.

Let me know if you have any questions.

Nathan
copy to Mr Rosa